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ALEXANDER L. STEVAS,
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NO. 82-975

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1982

MEMBERS OF THE CITY COUNCIL OF THE CITY OF LOS ANGELES; THE CITY OF LOS ANGELES; and EDWARD D. LONGLEY, as Director of the Bureau of Street Maintenance for the City of Los Angeles,

Appellants,

vs.

TAXPAYERS FOR VINCENT, an unincorporated political association, and CANDIDATES' OUTDOOR GRAPHICS SERVICE (COGS), a California corporation,

Appellees.

ON APPEAL FROM UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

JOINT APPENDIX

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Appeal Docketed December 9, 1982
Probable Jurisdiction Noted February 22, 1983

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RELEVANT DOCKET ENTRIES

Date	Filings - Proceedings
March 12, 1979	Complaint for injunctive relief and damages filed in the U.S. District Court for the Central District of California. (No. 79-0957-WPG)
March 20, 1979	District Court filed Order denying plaintiffs' motion for a preliminary injunction, heard on March 16, 1979.
March 30, 1979	Answer to Complaint filed.
June 5, 1980	Plaintiffs' motion for partial summary judgment filed.
June 6, 1980	Defendants' motion for summary judgment filed.
July 28, 1980	District Court (the Honorable William P. Gray, District Judge) heard cross-motions for summary judgment.
August 6, 1980	Findings of Fact and Conclusions of Law signed by the Court and filed.

August 6, 1980	District Court signed Judgment granting defendants' motion for summary judgment and denying plaintiffs' motion for partial summary judgment, thus dismissing the complaint and declaring that Municipal Code Section 28.04 is constitutional.
August 7, 1980	Judgment entered.
August 20, 1980	Notice of Appeal to the Court of Appeals for the Ninth Circuit filed by the plaintiffs. (No. 80-5686)
March 31, 1981	Court of Appeals for the Ninth Circuit denied plaintiffs' motion to expedite the appeal.
January 7, 1982	Case argued and submitted in the Court of Appeals for the Ninth Circuit before the Honorable Stephen Reinhardt, the Honorable Dorothy Nelson, Circuit Judges, and the Honorable William G. East, Senior District Judge, District of Oregon, sitting by designation.

July 30, 1982	The Court of Appeals for the Ninth Circuit filed its opinion reversing the decision of the District Court. The Court of Appeals held that Municipal Code Section 28.04 is facially unconstitutional; it reversed the District Court's grant of summary judgment to the defendants and instructed the District Court on remand to enter partial summary judgment for the plaintiffs.
August 11, 1982	Defendants petitioned the Court of Appeals for a rehearing.
September 10, 1982	Court of Appeals denied the petition for rehearing.
October 4, 1982	Defendants filed their appeal to the Supreme Court.
December 9, 1982	Defendants filed their Jurisdictional Statement in the Supreme Court, docketed as No. 82-975.
February 22, 1983	The Supreme Court noted probable jurisdiction.

COMPLAINT FOR INJUNCTIVE RELIEF AND FOR DAMAGES (CLASS ACTION)

United States District Court, Central District of California

Taxpayers for Vincent, an unincorporated political association, and Candidates' Outdoor Graphics Service (COGS), a California corporation, plaintiffs, vs. Members of the City Council of the City of Los Angeles; the City of Los Angeles; and Edward D. Longley as Director of the Bureau of Street Maintenance for the City of Los Angeles, defendants, No. 79-0957-WPG

FIRST CLAIM FOR RELIEF

Plaintiff TAXPAYERS FOR VINCENT alleges against the defendants as follows:

1. Jurisdiction. This acation is prosecuted and jurisdiction is vested in this Court under the provisions of 28 U.S.C. §§1343, 2201 and 2202, and 42 U.S.C. §1983.

2. Plaintiffs bring this action pursuant to Rule 23(2)(1) of the Federal Rules of Civil Procedure on behalf of all those similarly situated who desire to post political signs in the City of Los Angeles. The persons in the aforesaid class are so numerous that joining all members is impractical. The questions of law and fact

presented in this action are common to the class and the claims of the representative parties will fairly and adequately protect the interests of the class or classes.

3. Plaintiff TAXPAYERS FOR VINCENT is a duly constituted political committee registered with the State of California pursuant to California Government Code §84101 and is the officially recognized committee supporting Roland Vincent, a candidate for Los Angeles City Council from the 12th Councilmanic District in the Primary Election to be held on April 3, 1979.

4. Defendant MEMBERS OF THE CITY COUNCIL OF THE CITY OF LOS ANGELES are duly elected representatives of the citizens of the City of Los Angeles; defendant CITY OF LOS ANGELES is a municipal corporation chartered under the laws of the State of California; and defendant EDWARD D. LONGLEY is the duly appointed Director of the Bureau of Street Maintenance for the City of Los

Angeles. As used herein, "defendants" shall refer collectively to each of the individuals and entities named herein.

5. Defendants are charged with, and have assumed responsibility for, enforcement of §§28.03 and 28.04 of the Municipal Code of the City of Los Angeles (referred to hereafter as "Code"). At all times relevant herein, defendants were and are acting under color of State law. A true and correct copy of said Code sections is attached hereto marked Exhibit "A" and incorporated herein by reference.

6. Plaintiff desires to post political signs advocating Mr. Vincent's candidacy in both the Primary and Runoff elections which will be held April 3, 1979 and May 29, 1979, respectively.

7. The political signs referred to in the preceding paragraph measure 15 inches by 44 inches and read "Roland Vincent - City Council".

8. Mr. Vincent has never before run for City Council and is not well known to the voters in the 12th

Councilmanic District; in order to gain sufficient name recognition among the electorate, it is essential that such signs be posted throughout the 12th Councilmanic District without having to comply with unreasonably restrictive requirements of political sign ordinances.

9. Section 28.04 of the Code as interpreted by defendants provides that it is unlawful to place any sign of any nature on any public property, except signs commemorating an historical, cultural or artistic event, location or personality, irrespective of whether such sign impedes traffic or presents an imminent danger to any person.

10. Section 28.04(c) further provides that any sign found on said property may be summarily removed by the Police Department or the Department of Public Works and that the person responsible for posting the sign is liable for the cost incurred in its removal.

11. Section 28.03 provides that it is unlawful to place any sign on private property without the consent of the owner, agent or occupant.

12. Plaintiffs have been informed, both orally and in writing, that defendants, and each of them, are enforcing §28.03 and §28.04 as follows:

(a) When an officer observes a violation of §28.04, he will make a physical arrest.

(b) When an officer observes a violation of §28.03, he will verify that it is without the consent of the owner, agent or occupant and then make a physical arrest.

(c) The Bureau of Street Maintenance of the Department of Public Works has removed and will continue to remove physically all political signs found on public property.

A copy of the defendants' enforcement policy is attached hereto marked Exhibit "B" and incorporated herein by reference.

13. Each of the provisions set forth in Paragraphs 9 through 11, inclusive, are violative of, and their enforcement is unlawful under, the First Amendment to the Constitution of the United States in that they

constitute, individually and collectively, an over-broad and unreasonable restraint on plaintiffs' right of free speech and right to petition government.

14. Each of the provisions set forth in Paragraphs 9 through 11, inclusive, are violative of, and their enforcement is unlawful under, the Fourth and Fifth Amendments to the Constitution of the United States in that they authorize unlawful seizures of personal property without due process of law.

15. Unless restrained by the Court, defendants will continue to do the acts set forth in Paragraph 12 above and thereby cause plaintiffs immediate and irreparable harm in the following respects:

(a) Defendants will cause the physical arrest of plaintiffs' agents and others similarly situated.

(b) Defendants will confiscate and destroy signs posted on behalf of Roland Vincent and the political momentum previously generated by such signs will thereby be terminated at the most crucial stage of the campaign, and, as a proximate result thereof,

candidate Vincent may lose the election he might otherwise win.

(c) The provisions of the Code complained of act generally to reduce the effectiveness of legitimate political sign programs and thus give an unfair advantage to incumbent officeholders or candidates who have run previously who enjoy name recognition by virtue of their previous campaigns.

(d) Plaintiff TAXPAYERS FOR VINCENT has limited campaign funds available, and political signs offer the most economic and effective use of such funds; other means of communication such as radio and television are prohibitively expensive and inefficient.

(e) Unless permitted to post such signs, plaintiff will be unable to campaign properly and adequately for the election of Roland Vincent, and the public, in turn, will be deprived of a free choice among candidates for this office.

16. The harm complained of herein cannot be remedied at law for the reason that compensatory damages cannot redress the deprivation of constitutional rights.

SECOND CLAIM FOR RELIEF

Plaintiff CANDIDATES' OUTDOOR GRAPHIC SERVICE (COGS) realleges and incorporates the allegations set forth in Paragraph 1 through 16, inclusive, and as a Second Claim for Relief, further alleges as follows:

17. Plaintiff COGS is a corporation organized and existing under the laws of the State of California with its principal place of business located in the City of Belmont, State of California. COGS provides, for compensation, a comprehensive political sign service, which includes the design, fabrication, assembly, placement and removal of such signs. In addition to such manufacturing and logistic functions, COGS employs its experience and political knowledge to place such signs in locations which it determines, by

analysis of relevant demographic date, will have the optimal impact for the contracting candidate or committee.

18. COGS entered into a contract with TAXPAYERS FOR VINCENT to provide the comprehensive political sign service described in Paragraph 17. Said contract is and at all relevant times has been in full force and effect. As a condition of said contract, COGS has agreed to indemnify TAXPAYERS FOR VINCENT against, and to hold the same harmless from, any and all losses, including attorneys' fees sustained by them in connection with the enforcement of Los Angeles Municipal Code §§28.03 and 28.04.

19. By reason of the above, plaintiff COGS has sustained, or will sustain, damages including loss of property and expenses incurred in bringing this action, as a proximate result of the defendants' unlawful enforcement of the provisions of the ordinance challenged herein.

WHEREFORE, plaintiffs pray judgment against defendants and each of them as follows:

FIRST CLAIM OF RELIEF

1. For a temporary restraining order, preliminary injunction and permanent injunction, enjoining defendants and each of them and their agents, servants and employees, and all persons acting on their behalf from enforcing §§28.03 and 28.04 of the Municipal Code of the City of Los Angeles and any rules and regulations thereunder;

2. For reasonable attorneys' fees;

3. For costs of suit; and,

4. For such other and further relief as the Court may deem proper.

SECOND CLAIM FOR RELIEF

5. For compensatory damages in an amount to be proved at trial;

6. For punitive damages in the sum of $500,000.00;

7. For reasonable attorneys' fees;

8. For costs of suit; and,

9. For such other and further relief as the Court may deem proper.

DATED: March 7, 1979.

/s/ Wayne S. Canterbury
WAYNE S. CANTERBURY
Attorney for Plaintiffs

VERIFICATION BY PARTY

STATE OF CALIFORNIA)

COUNTY OF SAN MATEO)

I am the President of Candidates' Outdoor Graphic Service, one of the plaintiffs in the above-entitled action; I have read the foregoing Complaint for Injunctive Relief and for Damages (Class Action) and know the contents thereof; and I certify that the same is true of my own knowledge, except as to those matters which are therein stated upon my information or belief, and as to those matters I believe it to be true.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on March 7, 1979 at Belmont, California.

/s/ Patrick D. Dailey
Patrick D. Dailey

EXHIBIT A

CITY OF LOS ANGELES
California

Office of the
CITY CLERK

Room 395, City Hall
Los Angeles 12, California

File No. 26690

CITY CLERK (With File)
ELECTION DIVISION

Greetings:

At the meeting of the Council held January 23, 1947, the following resolution was adopted:

"WHEREAS, the approaching municipal election on April 1st, recalls past violations of the law against posting of election compaign cards, posters and other literature on telephone poles, street lighting fixtures, curbs, or any appurtenances of City property; and

WHEREAS, private property owners in past election compaigns have bitterly, and rightfully, complained against defacement of their property with compaign posters and cards tacked or pasted thereon in violation of private property rights:

NOW, THEREFORE, BE IT RESOLVED, that the City Clerk be directed to have printed in pamphlet form, the substance of the City Ordinance covering the posting of such campaign literature as described above, and that each candidate for office in the April

election be handed such pamphlet at the time and place of final filing of his qualifying petitions so that all candidates will be aware of the penalties for violation.

BE IT FURTHER RESOLVED, that the City Clerk be instructed to advise the various outdoor advertising agencies listed in the Los Angeles City telephone directory of the provisions of the Municipal Code prohibiting posting of advertising matter."

Respectfully yours,
City Clerk.

In accordance with instructions of the City Council, I quote herein the provisions of the Municipal Code prohibiting the distribution of advertising matter:

SEC. 28.03. HAND-BILLS, SIGNS - BUILDINGS PERMISSION.

No person shall paint, mark or write on or post or otherwise affix or attach any hand-bill or sign to or upon any building, wall or part thereof, or upon any private property without the consent of the owner, agent or occupant thereof.

SEC. 28.04. [As Amended by Ordinance No. 109,896, approved Sept. 28, 1957.]

HAND-BILLS, SIGNS - PUBLIC PLACES AND OBJECTS.

(a) No person shall paint, mark or write on, or post or otherwise affix, any hand-bill or sign to or upon any sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power

or telephone or telegraph or trolley wire pole, or wire appurtenance thereof or upon any fixture of the fire alarm or police telegraph system or upon any lighting system, public bridge, drinking fountain, life buoy, life preserver, life boat or other life saving equipment, street sign or traffic sign.

> The prohibition of the ordinance applies to telephone poles owned by public utilities as well as poles owned by some political entity, and is a valid exercise of the police power.
> **People v. Kaplan,** CR A 1623.

(b) Nothing in this section contained shall apply to the installation of terrazo sidewalks or sidewalks of similar construction, sidewalks permanently colored by an admixture in the material of which the same are constructed, and for which the Board of Public Works has granted a written permit.

(c) Any hand-bill or sign found posted, or otherwise affixed upon any public property contrary to the provisions of this section may be removed by the Police Department or the Department of Public Works. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof and the Department of Public Works is authorized to effect the collection of said cost.

(d) Nothing in this section shall apply to the installation of a metal plaque or plate or individual letters or figures in a sidewalk commemorating an historical, cultural, or artistic event, location or personality for which the Board of Public Works, with the approval of the Council, has granted a written permit.

Exhibit "B"

POLICY OF THE LOS ANGELES POLICE DEPARTMENT IN ENFORCING VIOLATIONS OF LAWS PROHIBITING PAINTING OR POSTING OF HANDBILLS, SIGNS OR NOTICES

The Los Angeles Municipal Code prohibits the unauthorized painting or posting of any handbill or sign on public or private property.

Section 28.03 L.A.M.C.: Prohibits the painting or posting of any handbill or sign on private property without the consent of the owner, agent, or occupant of the property.

Section 28.04 L.A.M.C.: Prohibits the painting or posting of any handbill or sign on utility poles, street signs, curbs or other public property.

It is the policy of the Los Angeles Police Department that:

A. Public Property:

1. When an officer observes a violation of Section 28.04 L.A.M.C., he will make a physical arrest.

2. When an officer responds to a citizen's complaint of a violation of Section 28.04, he will advise the complainant of his right to make a private person's arrest and of Application for Complaint procedures.

B. Private Property:

1. When an officer observes a violation of Section 28.03 L.A.M.C., he will verify the it is without the consent of the "owner, agent or occupant," and then make a physical arrest.

2. When an officer responds to a complaint of a violation of Section 28.03, which he did not observe, he will verify that it is without the consent of the "owner, agent or occupant." He will then advise the complainant of his right to make a private person's arrest and of the Application for Complaint procedures.

ANSWER TO COMPLAINT

United States District Court, Central District of California

(Title omitted in printing.)

COME NOW Defendants, and each of them, and in answer to the Complaint on file herein allege as follows:

DEFENSE TO FIRST CLAIM FOR RELIEF

1. Answering paragraph 2 of the Complaint, Defendants deny that the questions of law or fact presented in this action are common to the class; Defendants further deny that the claims of the representative parties will fairly or adequately protect the interests of the class or classes.

2. Answering paragraph 5 of the Complaint, Defendants allege that Exhibit "A" attached to the Complaint bears a true and correct copy of Los Angeles Municipal Code Section 28.03; Defendants further allege that Exhibit "A" attached to the Complaint does not bear a true and correct copy of Los Angeles Municipal Code Section 28.04 because it fails

to set forth the provisions of subsection (e) hereof; Defendants further allege that Exhibit "A" attached to the Complaint bears certain language which is neither a part of Section 28.03 nor Section 28.04. Defendants allege that a true and correct copy of Section 28.04 is attached hereto, marked Exhibit "A," and by this reference made a part hereof.

3. Answering paragraph 7 of the Complaint, Defendants allege that they do not have sufficient information or belief upon which to answer the allegations contained therein, and basing their answer thereon, deny said allegations.

4. Answering the allegations of paragraph 8 of the Complaint which are set forth on page 3, lines 7 through 8 thereof, Defendants allege that Roland Vincent has not in any year prior to 1979 appeared on the ballot as a candidate for member of the Los Angeles City Council or qualified to have write-in votes counted for him for said office; except as so alleged, Defendants do not have sufficient information

or belief upon which to answer the allegations contained therein, and basing their answer thereon, deny said allegations. Defendants deny, generally and specifically, each and every allegation contained in the remainder of paragraph 8 of the Complaint. Defendants further allege that neither Los Angeles Municipal Code Section 28.03 nor Section 28.04 is unreasonably restrictive or unreasonable.

5. Answering paragraph 9 of the Complaint, Defendants allege that Los Angeles Municipal Code Section 28.04 provides as set forth in Exhibit "A" attached hereto and not otherwise; except as so alleged, Defendants deny, generally and specifically, each and every allegation contained in paragraph 9 of the Complaint.

6. Answering paragraph 10 of the Complaint, Defendants allege that Los Angeles Municipal Code Section 28.04(c) provides as set forth in Exhibit "A" attached hereto and not otherwise; except as so alleged, Defendants deny, generally and specifically,

each and every allegation contained in paragraph 10 of the Complaint.

7. Answering paragraph 12 of the Complaint, Defendants allege that when a police officer observes a person violating Los Angeles Municipal Code Section 28.04, the officer will either make a physical arrest or will cite and release the person observed violating the section; Defendants further allege that when a police officer observes a person violating Los Angeles Municipal Code Section 28.03, the officer will either make a physical arrest or will cite and release the person observed violating the section; Defendants further allege that the Bureau of Street Maintenance, Department of Public Works for the City of Los Angeles has and will continue to remove signs posted in violation of Los Angeles Municipal Code Section 28.04; Defendants further allege that Exhibit "B" attached to the Complaint constitutes a portion of the enforcement policy of the City of Los Angeles with respect to Los Angeles Municipal Code Sections 28.03 and 28.04

but deny that it constitutes the entire enforcement policy of the City thereon; except as so alleged, Defendants deny, generally and specifically, each and every allegation of paragraph 12 of the Complaint.

8. Defendants deny, generally and specifically, each and every allegation of paragraph 13 of the Complaint.

9. Defendants deny, generally and specifically, each and every allegation of paragraph 14 of the Complaint.

10. Answering paragraph 15 of the Complaint, Defendants allege that they will continue to enforce the provision of Los Angeles Municipal Code Sections 28.03 and 28.04; Defendants further allege that when police officers of the City observe persons violating Section 28.03 or Section 28.04, said officers will either arrest said persons violating said sections or will cite and release said persons; Defendants further allege that the City does and will continue to remove and destroy signs, whether political signs or other signs,

posted in violation of Section 28.04; except as so alleged, Defendants deny, generally and specifically, each and every allegation of paragraph 15 of the Complaint.

11. Defendants deny, generally and specifically, each and every allegation of paragraph 16 of the Complaint and further allege that Plaintiffs, or any of them, have not suffered any deprivation of any right, constitutional or otherwise, by reason of any act or acts of Defendants, or any of them.

DEFENSE TO SECOND CLAIM FOR RELIEF

12. Answering the unnumbered paragraph of the Complaint, which is set forth on page 5, lines 26 through 28 thereof, Defendants refer to paragraphs 1 through 11, inclusive, of this Answer and by this reference incorporate them herein as though set forth at length, as an answer to said unnumbered paragraph.

13. Answering paragraph 18 of the Complaint, Defendants allege that they do not have sufficient

information or belief upon which to answer the allegations contained therein, and basing their answer thereon, deny said allegations.

14. Defendants deny, generally and specifically, each and every allegation contained in paragraph 19 of the Complaint; Defendants further deny that Plaintiffs, or any of them, have suffered any damage as a result of the acts of Defendants, or any of them, in any amount, or at all.

WHEREFORE, Defendants pray for judgment against Plaintiffs, and each of them, as follows:

1. That the Complaint be dismissed and that Plaintiffs take nothing thereby;

2. For Defendants' costs of suit; and

3. For such other and further relief as the Court may deem just and proper.

Dated: March 30, 1979

BURT PINES,
City Attorney
CLAUDE E. HILKER,
Assistant City Attorney
GARY R. NETZER,
Assistant City Attorney
ANTHONY SAUL ALPERIN,
Deputy City Attorney

By /s/ Anthony Saul Alperin
ANTHONY SAUL ALPERIN
Deputy City Attorney

Attorneys for Defendants

(Exhibit "A" (a copy of Municipal Code Section 28.04) and proof of service omitted in printing.)

AFFIDAVIT OF LEROY C. HOGG IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION

United States District Court, Central District of California

(Title omitted in printing.)

LEROY C. HOGG, being first duly sworn, deposes and says:

1. I am the Assistant General Superintendent, Overhead Distribution Section, Power Operating and Maintenance Division, Los Angeles Department of Water and Power.

2. I have been employed by the Department of Water and Power for 26 years during which time I have held various positions, including superintendent, foreman, patrolman and lineman.

3. It is the responsibility of the Overhead Distribution Section to maintain the integrity of the Department's overhead electric lines throughout the City of Los Angeles.

4. In my capacity as Assistant General Superintendent, it is my responsibility to participate in the

supervision of approximately 650 Department employees who constitute its overhead trouble and maintenance crews.

5. Overhead troubles are attended to by linemen or patrolmen who gain access to the trouble area either by being mechanically lifted thereto or by physically climbing the supporting pole.

6. Climbing is accomplished by the use of metal hooks which are strapped to the climber's feet and legs and are forced or stuck into the pole by the weight of and force from the climber's body.

7. The presence of material which is foreign to the pole such as nails and the presence of imperfections in the pole such as knots or fissures are dangerous to the climber in that contact between them and the metal hooks can cause the climber to loose his or her balance and fall from the pole.

8. The presence on Department poles of signs, posters and other such material creates a hazard to the climber not only because such material is often

affixed to the pole with a metal fastener but also because it often hides the presence of the foreign material and imperfections described above.

DATED: MAR 14, 1979

/s/ Leroy C. Hogg
LEROY C. HOGG

(Jurat omitted in printing.)

AFFIDAVIT OF CALVIN S. HAMILTON IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION

United States District Court, Central District of California

(Title omitted in printing.)

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I, CALVIN S. HAMILTON, being first duly sworn, says as follows:

1. I currently serve and have served as the Director of City Planning for the City of Los Angeles since November 1964. I am personally familiar with the matters stated herein.

2. Previously, I was the Executive Director of Planning for the City of Pittsburgh, Pennsylvania from 1960 to 1964 and prior to that I was Executive Director of the Metropolitan Planning Department, Indianapolis, Indiana with jurisdiction over Marion County and twenty-four cities and towns including Indianapolis. Prior to that I was a planning consultant

for Harland, Bartholomew and Associates, St. Louis, Missouri. I have also been a planning consultant to Sao Paulo, Brazil; Guatemala; Kenya and Ethiopia. I have taught City Planning in five universities. I received a Bachelors of Fine Arts in Landscape Architecture from the University of Illinois (1949) and a Masters in City Planning from Harvard University (1952).

3. I have been responsible for developing and guiding the adoption of new sign regulations in metropolitan Indianapolis and Pittsburgh, Pennsylvania. I have directed the preparation of a number of sign ordinance proposals in Los Angeles, California and the approval of specific plans, including sign regulations.

4. I am currently a member of Mayor Tom Bradley's Sidewalk Management Task Force, charged with evaluating the environmental design aspects of street facilities, signs, traffic control eguipment, etc., within the right-of-way of streets throughout Los Angeles.

5. I am also Chairman of the City of Los Angeles Street Standards Committee, composed of the Director of Planning, City Engineer and City Traffic Engineer, charged with recommending standards for all roadways within the City. The Task Force is currently developing regulations, including sign control, on bus shelters.

6. As Director of Planning I am legally responsible for recommending the General Plan and all amendments to the City's Zoning Ordinance.

7. The "Purpose Section" of the City of Los Angeles' Planning and Zoning Code states, in part, that the purpose of the regulations is to ". . . encourage the most appropriate use of land; to conserve and stabilize the value of property; to provide adeguate open spaces for light and air; and to prevent and fight fires; to prevent undue concentration of population; to lessen congestion on streets; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewerage, schools, parks and other

public reguirements; and to promote health, safety, and the general welfare, all in accordance with a comprehensive plan."

8. In keeping with these broad purposes, certain provisions are set forth in the zoning provisions of the Municipal Code to provide for the reasonable regulation of signs and billboards on private property.

9. In my opinion, based on my education and experience, reasonable sign regulations are of utmost importance in all areas of the City in order to:

(a) implement the various purposes, policies, and programs of the City's General Plan;

(b) promote and protect the public health, safety, welfare, convenience and amenities by regulating existing and future signs of all types;

(c) aid identification of properties and land uses, and enterprises and enhance their function;

(d) provide adequate separation between signs and residential areas so as to prevent visual intrusion of signs into such areas, and accomplish this in such a manner that the aesthetic quality and visual environment of residential neighborhoods is maintained or enhanced; and

(e) permit the enforcement of reasonable regulations and criteria pertaining to signs so as to enhance the aesthetic, economic, and visual environment of residential, commercial and manufacturing zones and to strive to prevent any threat to public health or safety which may result from the improper placement and maintenance of any given sign.

10. From the standpoint of planning, the regulation of signs, such as posters, billboards and notices of various types on public property is of equal importance in accomplishing the foregoing objectives. Such regulation is presently provided for in Section 28.04 of the Municipal Code, which Section pertains to the general prohibition of posting "handbills" and "signs" on specified public property within the City.

11. Without such regulation, the indiscriminate and unregulated placement of such signs, on public property could virtually eliminate the effectiveness of sign regulations applicable to adjacent private properties.

12. There is an abundant body of literature and standards, a good amount of which I have read, supporting the need for adequate regulation of signs on public properties, especially on street rights-of-way. The principles underlying sign regulation on public property are similar to those on private property.

Those principles involve identifying essential information to be communicated in an effective manner, taking into consideration various aspects such as safety, economics and aesthetics.

13. Regarding public safety, regulations generally prohibit signs which interfere with essential messages such as traffic signs and signals, which interfere with vision at street corners, or which might interfere with the communication of essential information, such as traffic or building identification.

14. Economic reasons supporting sign controls include evidence that unrelated, excessive signing adversely affects property values and business. Without the enforcement of such regulations, there will be clutter and visual blight, as well as direct public cost involved in the removal of such signs.

15. Aesthetic reasons also are involved in sign control regulations. Where unregulated, signs are often excessive in number, excessive in information, located in inappropriate locations arrayed in a

disorderly manner, and in my view, based on my education and experience in planning, constitute a blighting influence on the community.

/s/ Calvin S. Hamilton
CALVIN S. HAMILTON

(Affiant's address and jurat omitted in printing.)

AFFIDAVIT OF NORMAN R. GIARD IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION

United States District Court, Central District of California

(Title omitted in printing.)

STATE OF CALIFORNIA)
) s
COUNTY OF LOS ANGELES)

I, NORMAN R. GIARD, being first duly sworn, say as follows:

1. I am the Chief and the Chief Inspector of the Street Use Inspection Division, Bureau of Street Maintenance, Board of Public Works of the City of Los Angeles. I am personally familiar with the matters stated herein. I am a custodian of records for the Division.

2. I have served in my present position for approximately one year, and before that I was Acting Chief for approximately one and one-half years. My total length of service with the Division has been approximately twenty-five years. Since the passage of

Los Angeles Municipal Code §28.04, I have been involved in its enforcement. During that time, I have personally viewed signs which have been illegally posted in several parts of the City on innumerable occasions, have read reports thereon and have otherwise been apprised of and required to deal with the problem of illegally posted signs. During a period of approximately ten years, I served as a District Inspector for the Division, during which time it was one of my responsibilities to remove signs posted in violation of Section 28.04.

3. One of the responsibilities of the Street Use Inspection Division is the enforcement of Section 28.04; specifically, the Division is responsible for removing all signs posted in violation of that Section. As one of my duties, I personally supervise the activities of the Division regarding such enforcement.

4. During the course of any year, the Division receives numerous complaints from citizens, citizen groups, and public officials about materials

posted in violation of Section 28.04. Those complaints involve signs of all kinds, including signs announcing events, advertising products and real estate developments, seeking lost cats and dogs and supporting candidates and ballot measures.

5. When a complaint is received indicating that signs have been illegally posted in a given area, a team from the Division is assigned to visit the area and to remove all signs illegally posted, whether involved in the original complaint or not. Additionally, when any Bureau of Street Maintenance employee observes signs posted in violation of Section 28.04, he or she is instructed to remove all such signs.

6. During the month prior to an election, the Division receives far more complaints about illegally posted signs than it does during other periods.

7. I have reviewed the statistical records of my office concerning the number of man hours utilized in and the monetary costs of removing signs posted in violation of Section 28.04 by the Street Use Inspection

Division. During the 1977-1978 Fiscal Year, 8,921 man hours were spent by Division personnel removing such signs. The monetary cost in salaries and materials used for that period was $113,159.69. During said period, the Division removed 68,869 signs. Similar records are not kept by other divisions within the Bureau, relating to the costs or man hours involved in removing signs, and thus the above figures represent only statistics for the Street Use Inspection Division and not the entire Bureau.

8. On April 14, 1978, the Board of Public Works instructed the Bureau of Street Maintenance to compile reports on the signs removed each week and to send copies thereof to the Chairman of the Public Works Committee of the Los Angeles City Council and to the Board.

9. On April 17, 1978, April 21, 1978, April 28, 1978, May 5, 1978, May 11, 1978, May 19, 1978, May 25, 1978, June 1, 1978, June 8, 1978 and June 15, 1978, such reports were made. True and correct

copies of such reports are attached hereto, all as Exhibit "A" and by this reverence made a part thereof. After June 15, 1978, no reports were made, as a result of budget constraints. On March 9, 1979, such reports were resumed. A true and correct copy of a report dated March 9, 1979, is attached hereto as Exhibit "B" and by this reference made a part hereof.

10. Attached hereto as Exhibits "C" and "D" and by reference made a part hereof are photographs taken from the files of the Division relating to the enforcement of Section 28.04. Exhibit "C" depicts the northwest corner of the intersection of Hancock Street and Main Street on May 5, 1978. Exhibit "D" depicts a part of the intersection at the 1500 N. block of St. Andrews Place; the date of the photograph is not known to me.

11. As a result of my many years as an employee of the Street Use Inspection Division involved in the enforcement of Section 28.04, it is my opinion that the posting of signs on utility poles, street

signs, traffic control signs and similar public property constitutes a clutter and a blight on neighborhoods throughout the City.

/s/ Norman R. Giard
Affiant's signature

(Affiant's address and jurat omitted in printing.)

EXHIBIT "A"

COPIES OF SIGN REMOVAL REPORTS DATED:

1. April 17, 1978
2. April 21, 1978
3. April 28, 1978
4. May 5, 1978
5. May 11, 1978
6. May 19, 1978
7. May 25, 1978
8. June 1, 1978
9. June 8, 1978
10. June 15, 1978

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: April 17, 1978

To: Edward D. Longley, Director, Bureau of Street Maintenance

From: N. R. Giard, Chief, Street Use Inspection Division

Subject: REMOVAL OF SIGNS

During the period of April 7 through April 13, this Division removed 1,600 signs from public property.

A count by name and organization was begun on April 13, 1978, which resulted in the following:

SIGNS REMOVED ON APRIL 13

Richard Fusilier	105
Maddy	6
Ed Dean	3
Martin Coleman	2
Howard L. Bingham	1
Ken Petrello	212
Stephen R. Frank	2
Mike Curb	2
H. Waco	4
	337

Effective April 14, 1978, a count of all signs removed will be made as to organization and number. This report will be submitted to the Chairman of the Public Works Committee each Friday.

RK:ms

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: April 21, 1978

To: Honorable Robert M. Wilkinson, Chairman - Public Works Committee Councilman, Twelfth District

From: Edward D. Longley, Director, Bureau of Street Maintenance

Subject: REMOVAL OF SIGNS

During the period of April 14 through April 19, 1978, the following signs were removed from public property:

Fusilier	159
International Workers Day	21
Peruvian Room	127
Whiskey	13
Aquarius Theatre	4
Wilshire Ebell	10
Disco Boat	3
Eloise Laws	7
Maddy	8
Tucker	12
Coleman	23
Bingham	1
Dean	19
Mike Curb	11
Mergell	6
Archie	1
UCLA Mardi-Gras	831
Guitarist Lessons	20
Rancho Park Walk Festival	27
Steve Frank	21
Steve Fox	34
H. Russell Halpern	17

Slocum		12
Petrello		24
Carpenters Hall		17
Fallbrook Estates		17
Gwen Moore		28
Waco		10
Miscellaneous		592
	TOTAL	2,049

Private property signs are under the jurisdiction of the Building and Safety Department.

RK:ms

cc: Board of Public Works

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: April 28, 1978

To: Honorable Robert M. Wilkinson, Chairman - Public Works Committee Councilman, Twelfth District

From: Edward D. Longley, Director, Bureau of Street Maintenance

Subject: REMOVAL OF SIGNS

During the period of April 20 through April 26, 1978, the following signs were removed from public property:

Club Azteca	1
Valdez Dance Hall	11
La Terraza	2
Seiu AFL-CIO	2
ElPalacio	13
Carpenters Hall	6
Machinists Hall	77
F. Elando	1
Two Guys	2
Israel Festival	6
Disco	33
Eloise Laws	30
UCLA Mardi-Gras	312
Fusilier	109
Jose-Jose	15
Ken Petrello	85
Funk-Asia 78'	7
Peruvian Room	147
Magic Mountain	29
Casa De Espana	35
Guerra Company	51
Hadco Plaza	76

Alcoholism Convention	7
Vern Auditorium	19
Roger Auditorium	10
Biltmore Hotel	8
Shrine Auditorium	37
El Rancho Grande	7
Hollywood Palladium	91
Flamingo	23
S.Y.O. Hall	54
Baili	6
Frankie Jay	58
North Beach Leather	6
Madam Norma	34
Troubadour	10
Coronet Theater	11
L.A. Convention Center	10
Roxy	21
Hong Kong Bar	4
Moore	3
Tucker	12
Coleman	4
Dean	9
Maddy	3
Nergell	24
Fields	3
Archie	1
Nash	2
Patchman	20
Willie Bobo	19
Waco	12
Fox	23
Ruffner	4
Castlemont School	21
Club Social Mexico	16
Mike Curb	2
Charreada Roedo	23
Frank	3
Helpern	4
Ante Mirror Nightclub	9
Auto Show	6

Kelvin Square	6
L.A. Walk Festival	20
Crown Estates	9
Woodlyn Oaks	9
Fallbrook Estates	11
Miscellaneous	1,172
TOTAL	2,910

Private property signs are under the jurisdiction of the Building and Safety Department.

RK:ms

cc: Board of Public Works

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: May 5, 1978

To: Honorable Robert M. Wilkinson, Chairman - Public Works Committee Councilman, Twelfth District

From: Edward D. Longley, Director, Bureau of Street Maintenance

Subject: REMOVAL OF SIGNS

During the period of April 27 through May 3, 1978, the following signs were removed from public property:

Vernon Auditorium	81
L.A. Convention Center	24
Palladium	31
Futbol (Guerra Co.)	19
Fusilier	43
Shrine Auditorium	299
Hadco Plaza	55
Parque Belvedore	22
Salon Mexico	41
Domingos Alegres	27
New Hope Festival	15
Salon Parroqvial	9
Salesian Gym	8
S.Y.O. Hall	22
John Feliz	41
No On 13	1
Mike Curb	1
Peruvian Room	53
Salon Broadway	36
Frankie Jay	15
Coronet Theatre	6
Penny Raven (Lt. Gov.)	6

Starwood	10
Yeshivan Gedolak	8
Roxy Theatre	12
Caracas	14
Disco in L.A.	7
Gwen Moore	22
Watson	1
Cunningham	2
Wilson	18
Dean	1
Maddy	1
Mertell	2
UCLA Mardi-Gras	102
El Camino Real	75
Steve Fox	28
Halpern	1
Waco	3
Ken Petrillo	4
Jim Aldrich	2
Woodlyn Oaks	9
Fallbrook Estates	3
Wooden Crest	4
Warver Pines	2
Crown Estates	3
Wall Festival	31
Funk-Asia '78	45
B.B. King Dance	20
Eloise Laws Concert	6
El Palacio	8
Marmar	19
Palomino	5
Club Social Mexicones	13
Disco Boat Cruise	24
Ant Hill Productions	22
Showtime	78
Reseda Park	19
Miscellaneous	1,024
TOTAL	2,503

Private property signs are under the

jurisdiction of the Building and Safety Department.

RK:rj

cc: Board of Public Works

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: May 11, 1978

To: Honorable Robert M. Wilkinson, Chairman - Public Works Committee

From: Edward D. Longley, Director, Bureau of Street Maintenance

Subject: REMOVAL OF SIGNS

During the period of May 4 through May 10, 1978, the following signs were removed from public property:

Family Festival Bazaar	65
Cuba Gooding	188
Percy Times	78
B. B. King	83
Second Art Show	2
Jose Jose (Shrine Auditorium)	366
Celebrando	1
Steve Fox	31
Club Azteca	25
El Palacio	3
Cinco De Mayo	37
Funk-Asia "78"	42
Gwen Moore (49th Assembly)	11
Fusilier (Sheriff)	47
Wayne Tipps Concert	1
Baille Show	2
Los Palmas Club	2
Impacto "78"	1
Los Angeles County Recreation and Parks	18
Suna Dores (Dance)	45
Roffler Education Center	22

Local #11	13
Bellos Caracas Boys	40
Guerro Co.	8
New Hope Festival	12
Bakke Decision	5
Sid Moleno	4
America 2-Night (Channel 13)	23
Salon Mexico	5
Tierra	12
Maddy	1
John Feliz	3
Coalition of Economic Devel	122
North Beach Leather	17
The Auto Show	13
The Roxy	83
Whiskey	14
Peruvian Room	5
Frankie Joe	19
Troubadour	11
Magna Verde Prod.	12
Alberto Cortez	14
Eloise Laws	4
Total Experience	37
Mike Curb	1
Tucker	1
Pachtman	3
UCLA Mardi Gras	12
Venice Boys Club	20
Skateboard Safety Club	5
Boyd Malloy	29
Re-incarnation Lecture	52
Re-Birth Experience	3
Ken Petrello	9
Waco	12
Oakwood Estates	2
"Free Ride" Motion Picture	17
Eldorado Homes	2
Woodland Oaks	7

Cinema "76	4
Miscellaneous	1,455
TOTAL	3,181

Private property signs are under the jurisdiction of the Building and Safety Department.

RK:ms

cc: Board of Public Works

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: May 19, 1978

To: Honorable Robert M. Wilkinson, Chairman - Public Works Committee

From: Edward D. Longley, Director, Bureau of Street Maintenance

Subject: REMOVAL OF SIGNS

During the period of May 11 through May 17, 1978, the following signs were removed from public property:

Athletic Club - Guadalahara	35
Ruben Portofino	19
Vernon Aud. Club - Depurvia Ocono Hoa	23
Salon Mexico - Migel Angel	12
Salon Mexico Tijuana Vets	4
Soccer International	5
Fut-Ball Inter. Huntington Park	6
Los Babys - Palladium	16
Maria de Lourdes	7
Jose, Jose, Shrine Auditorium	94
Parque de Mexico	25
Eastside Disco - Channel 18	9
Woods Family Int. Club	5
Sid Molino	4
B.L.A.B.	31
Caracas Boys	100
Starwood	11
Alberto Cortez	17
Roxy	9

America 2-Night Channel 13	8
Sawyer College	3
Cuba Gooding	36
B. B. King	21
Family Festival Bazaar	20
Los Madres	8
Vince Deporto Int.	13
Louis Gray Prod.	10
Disco English Square	16
Total Experience	7
Don Johnson	22
Abe Topia	55
Yoga Training	120
Mardi Gras	10
Mike Curb	1
Deukmejian	4
Ken Petrello	9
Halpren	1
Antique Mirro	1
Fallbrook Estates	1
Woodland Oaks	3
Warner Pines	4
Rodell Piers College	12
Plants 20708 Inglemark	17
Summer Camp	3
Freeride (Movie)	4
Steve Fox	9
Charro	33
Machinist Hall	25
Palomino Club	22
Club Aztec	14
El Palacio	5
Your Pet	13
The Walk Festival	13
Divorce Service	8
Boyd Malloy	6
Club Social Mexico	5
Songwriters Resources	3
Club Azteca	12
Disco-2nd Floor	47

Stars for Cunningham	15
Gwen Moore (49th)	7
Diane Watson	3
NO on 13	7
John Van De Camp	1
Nat Holden	1
Welter Weight Boxing	11
Baileda Super Estrellas	23
Dela Madre	8
Misc.	1,197
TOTAL	2,329

Private property signs are under the jurisdiction of the Building and Safety Department.

RK:ms

cc: Board of Public Works

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: May 25, 1978

To: Honorable Robert M. Wilkinson, Chairman - Public Works Committee

From: Edward D. Longley, Director, Bureau of Street Maintenance

Subject: REMOVAL OF SIGNS

During the period of May 18 through May 24, 1978, the following signs were removed from public property:

Slolum	3
Ken Petrello	14
Sid Molino	13
Eastside Disco	9
Shaeffer	2
Steve Fox	18
Talpern	2
Moss	59
Waco	1
Zoogocho Tropical	33
Disco Fever	6
Los Felinos	8
Fut-ball International	59
Spirit Dance	53
Showboat	30
Yoga Training	24
Dance	20
Tax Protest	9
Lowell Koretz	3
Brody	3
Mercell	5
Lofton	24
Davis	21

Brook Benton	40
Albert Cortez	22
Disco 2nd Floor	22
Roots Image	21
Jeff Simons Rock	31
Club Azteca	4
Palacio Ballroom	57
Las Triumfadores de Hollywood	21
Los Babys (Palladium)	15
Parquede Mexico	5
The Forum Boxing	5
Yndio, Los Yonics (Sports Arena)	53
Abe Tapia	8
Los Muccas	14
Parroquie Santa Isabel	3
Eddie Torrez (Palladium)	9
Vernon Aud. Miquel Angel	5
The Wispers	27
Harold Melvin and the Blue Notes	21
Riding High	9
Pearlston (Judge)	5
Torrez (Judge)	6
Jose Jose	14
Rigo Tovar	6
Judge Saroyarian	9
Lady Bugs	45
Ola Espana	9
Phillidine National	10
Troubadour	37
John Charles Grey	4
Caracas Boys	71
Whiskey	28
American 2-night (Channel 13)	17
Baile De Super Estrellas	25
San Phantas Micon '78	69
Guerra	6

Lee Ritenor	4
Roxy	39
Frankie J.	9
Starwood	17
Frank Buda	3
Coronet Theatre	4
Brown Breed Car Club	15
Boyd Malloy	15
Katz	3
Borth	3
Lost Freddys	10
Embarnza	12
Doo Too Music Center	9
Lofton	2
English Square	4
Queen Mary	4
Misc.	1,025
TOTAL	2,350

Private property signs are under the jurisdiction of the Building and Safety Department.

RK:ms

cc: Board of Public Works

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: June 1, 1978

To: Honorable Robert M. Wilkinson, Chairman - Public Works Committee

From: Edward D. Longley, Director, Bureau of Street Maintenance

Subject: REMOVAL OF SIGNS

During the period of May 25 through May 31, 1978, the following signs were removed from public property:

Belloas Carrcas Boys	8
Disco 2nd Floor	34
Los Ermitanos	25
Rigo Tovar	29
Semena De Jalisco	13
Roots Image	185
Dottos Music Center	24
Embassey Hotel	13
College Coalition	22
Queen Mary Boogie	64
Riding High	12
Biltmore Hotel	111
Clarence Lotfon	13
Diane Watson	160
Gwen Moore	99
Oliver Wilson	6
Team Jazz	1
Root Haley	3
Whistmer	5
Grand Balle	29
Al Polocio	16
Rodeo Chamlada	1
Steve Fox	40

Yes on 10	103
Yes on 3	16
Cinco De Mayo	6
Ken Petrillo	11
Frank Buda	12
William Barth	14
Moss	15
Ernest Smith	4
Brook Benton	5
Festival - Lincoln Park	31
Sid Molena	19
Parade June 3	16
Whiskey	9
John Gray	64
Bull Shot	33
Roxy	10
Tony Basil	4
Phantasmiscon '78	6
Heaven Sent	5
Ole Aspana	12
Joseph Cislowski	3
Troubador	6
L.A. Acturs (sic) Theater	3
Beatlemania	4
The Zeros	10
Saray Darian	3
The Whispers	15
Lofton	9
Cunningham	2
Fusiller	4
Jackson	1
Mergel	4
Dean	3
Lo Coco's	21
The Palladiun	25
Caribrean Carnival Parade	3
Total Experience	1
Coleman	1
Mike Curb	9
Walsh	13

Ruffner	11
Waco	1
Ruffner	1
Deukmejian	3
Granada Garden Tonn Homes	11
Crown Estates	32
Fallbrook Estates	3
Woodland Oaks	6
Disco Fever	29
lst Baile De Temporada	34
Futbol International	19
Zoococho Topical	51
Edwardo Nunez	22
Jose, Jose	8
Misc.	960
TOTAL	2,662

Private property signs are under the jurisdiction of the Building and Safety Department.

RK:jo

cc: Board of Public Works

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: June 8, 1978

To: Honorable Robert M. Wilkinson, Chairman - Public Works Committee

From: Edward D. Longley, Director, Bureau of Street Maintenance

Subject: REMOVAL OF SIGNS

During the period of June 1 through June 7, 1978, the following signs were removed from public property:

Dance signs	60
Tax protest	10
Yoga	20
3rd World Crash	3
Roots Image	45
Talent and Fashion Show	4
Disco Group Line	1
Moon	92
Arthur Katz	35
Lawrence Lofton	106
William Barth	67
Mergel	11
Dave Cunningham	193
Judge Peetris	4
Paul Koretz	1
Jan Charles Gray	115
Ruffner	18
Steve Fox	6
Waco	32
Moss	69
Topia	2
Aldrich	41
Juster	44

New Frontiers	10
John Van de Camp	46
Harness Smith	16
Nate Holden	10
Total Experience	143
Dick Griffey Prod.	15
Mardi Gras	6
Mid Valley Rams	13
Wayne Scott	2
Baine	2
Yes on 3	5
Yes on 10	7
Katy Parade	7
Saraydarian	3
Ebow for Assembly	48
Hill for Assembly	2
Ashton's Shatto	1
Wilson for Assembly	19
Archie	8
Fusiller	8
Pacific Design Center	4
Dean	3
Brody	1
Coleman	1
Ken Petrillo	24
Mike Curb	4
Ken Mady	2
Duekmejian	7
Walsh	5
Barnett	31
Flamingo Inn - Los Okies	12
Baile de Imporado	49
Sports Arena - Eduardo Nunoz	16
Mario Gonzalez	3
Al Palacio	8
Salon Broadway	4
Sid Molino	4
Earl Holland	5
Frank Valdez	3

Temp of Suratao	5
TV News	59
Yes on 13	52
Joseph Ciscowski	33
Frank Buda	12
Tony Basil	5
Diane Watson	127
Gwen Moore	206
Groovia Disco	12
Smith	8
Whispers	24
Leonards'	28
Green	2
Misc.	939
TOTAL	3,048

Private Property signs are under the jurisdiction of the Building and Safety Department.

RK:ms

cc: Board of Public Works

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: June 15, 1978

To: Honorable Robert M. Wilkinson, Chairman - Public Works Committee

From: Edward D. Longley, Director, Bureau of Street Maintenance

Subject: REMOVAL OF SIGNS

During the period of June 8 through June 14, 1978, the following signs were removed from public property:

Roxy	9
TV News	106
Tony Basil	10
Wm. Barth	21
The Joffrey	5
Donna Summer	5
John Charles Gray	63
Lawrence Lofton	98
Smith	1
Diane Watson	81
Lauer	1
Moon	64
Ebow for Assembly	18
Shrine Concert	2
Hill for Assembly	3
Gene Brody	2
Yes on 13	3
Dolphia Marina	4
Yoga Training	20
Roots Image	48
Grove With You	4
Thursday Night Fever	16
Groove Line Disco	2

Monster Disco	2
Everybody Dance Disco	1
Mighty Clouds of Joy	6
Nate Holden	1
Wilson for Assembly	47
Mergell	40
Gwen Moore	22
Archie	2
Juster	28
Disco Dance	18
Disco Dance UCLA	6
Cunningham	95
Groving Disco	12
Fox	11
Mike Curb	1
Arnett	3
Halpern	2
Ruffner	4
Aldrich	122
Walsh	1
Waco	15
Dukemejian	1
Moss	45
Saraydarian	6
Scott	3
Ken Petrello	3
Cotz	4
Tom Bane	5
Club Azteca	6
Al Polacio	5
Custom Homes	8
Katz Parade	12
Steve Perlizer	8
Sid Molina	10
Fusillier	4
Palladium	53
Vernon Aud.	6
Brown	2
Tapia	4
Jan Gray	195

Amor Y Paz	67
Misc.	643
Mystic Knights of the Dingo Boingo	105
New Frontiers in Culture	10
TOTAL	2,229

Private property signs are under the jurisdiction of the Building and Safety Department.

RK: dp

cc: Board of Public Works

EXHIBIT "B"

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: March 9, 1979

To: Honorable Robert M. Wilkinson, Chairman - Public Works Committee

From: Edward D. Longley, Director, Bureau of Street Maintenance
By N. R. Giard, Chief II, Street Use Inspection Division

Subject: REMOVAL OF SIGNS

During the period of March 1 through March 7, 1979, the following signs were removed from public property:

Leonard's Nite Club	11
Alamar Travel Bureau Inc.	5
The Item - Madam Wongs	13
Salon Broadway	14
Vernon Auditorium - Apache Jupiter	20
Raul Palomo, Jr.	12
Roland Vincent	48
The American Club	2
Rose Royce	11
Total Experience	13
Al Green	4
Bowl of Cherries	19
Purim Carnival	11
Busting Out	25
Norman Connor	2
Dvolo Music	2
Galactic Disco	1
Murgee	4

Velvet Fox	11
El Palacio Dance	2
Machinists Bell	5
Starwood	36
Avalon Attractions - Alice	9
Harriman Studios	28
Whiskey	33
Troubador	4
Club 88	3
International Club	3
Cheap Shopping	51
Veterans Auditorium	10
Sidewalk Cafe	15
Yoga	7
Pegasus	4
Taurus Tavern	5
Miscellaneous	763
TOTAL	1,207

Private property signs are under the jurisdiction of the Department of Building & Safety.

RK:jrb

cc: Board of Public Works

EXHIBIT "C"

EXHIBIT "D"

AFFIDAVIT OF THOMAS W. THOMAS IN OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION

United States District Court, Central District of California

(Title omitted in printing.)

STATE OF CALIFORNIA)
) s
COUNTY OF LOS ANGELES)

I, Thomas W. Thomas, being first duly sworn, say as follows:

1. I am a Senior Street Use Inspector I employed by the Street Use Inspection Division, Bureau of Street Maintenance, Board of Public Works of the City of Los Angeles. I am personally familiar with the matters stated herein.

2. On March 13, 1979, I took each of the photographs attached hereto as Exhibits "A", "B", "C", "D", "F", "G", and "H" and by this reference made a part hereof. The location of each photograph is stated just below the photograph itself on each exhibit.

3. On March 14, 1979, I took each of the photographs attached hereto as Exhibits "I", "J", "K",

"L", and "M" and by this reference made a part hereof. The location of each photograph is stated just below the photograph itself on each exhibit.

/s/ Thomas W. Thomas
Affiant's signature

(Affiant's address and jurat ommitted in printing.)

Westside of Laurel Canyon
South of Gould Avenue

EXHIBIT "A"

Southside of Brooklyn Avenue,
Soto Street to Mathews Street

EXHIBIT "B"

746 North La Cienega Boulevard

EXHIBIT "C"

943 North Broadway

EXHIBIT "D"

2105 Brooklyn Avenue

EXHIBIT "E"

960 N Broadway (Front View)

96 N Broadway (Rear View)

EXHIBIT "F"

N'E' Corner of Brooklyn Avenue
and Breed Street

EXHIBIT "G"

Southside of Brooklyn Avenue
and Fickett Street

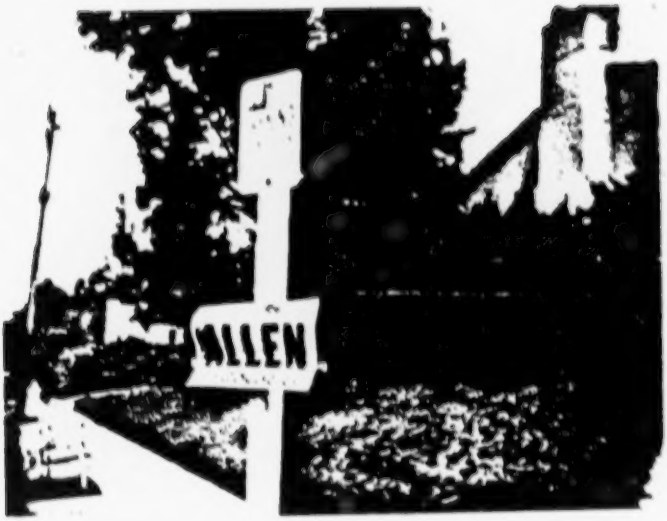
EXHIBIT "H"

Southwest corner of Franklin
and Western Avenue

EXHIBIT "I"

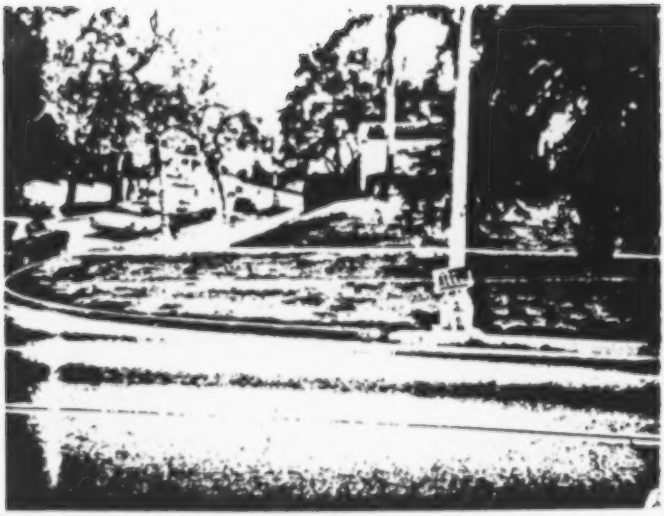
Northwest corner of Western
and Franklin Avenue

EXHIBIT "J"



1901 Franklin Avenue

EXHIBIT "K"



Northeast corner of Los Feliz Boulevard
and Chislehurst Drive

EXHIBIT "L"

Southside of Los Feliz Boulevard
at Chislehurst Drive

EXHIBIT "M"

DECLARATION OF WAYNE S. CANTERBURY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

United States District Court, Central District of California

(Title omitted in printing.)

I, WAYNE S. CANTERBURY, declare:

Attached hereto as Exhibit A are photographs I took or caused to be taken in my presence at the time, date and places indicated in said exhibit. I personally know that said photographs fairly and accurately depict the objects shown therein.

Said photographs are those which were admitted into evidence on behalf of the plaintiffs on their motion for preliminary injunction heard March 16, 1979.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration

was executed at San Francisco, California on March 22, 1979.

/s/ Wayne S. Canterbury
WAYNE S. CANTERBURY

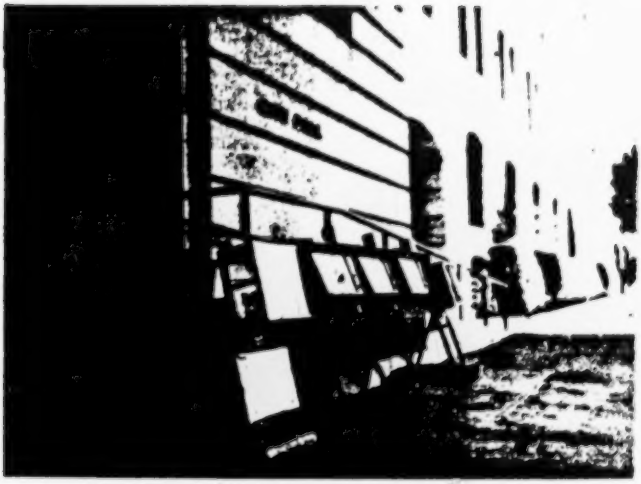
(Proof of Service omitted in printing.)

UNITED STATES COURTHOUSE
LOS ANGELES, CA
3/16/79 8:00 a.m.

EXHIBIT A

EIGHTH and CELIA STREETS
LOS ANGELES, CA
3/16/79 8:00 a.m.

CITY HALL - EAST
LOS ANGELES, CA
3/16/79 8:00 a.m.



CITY HALL - SPRING STREET
LOS ANGELES, CA
3/16/79 8:00 a.m.

ORDER DENYING MOTION FOR PRELIMINARY INJUNCTION

United States District Court, Central District of California

(Title omitted in printing.)

This cause came on to be heard on March 16, 1979, upon motion by plaintiffs for a preliminary injunction, and the Court having examined the motion and the papers filed by the parties and heard arguments of counsel for the parties, and having found the motion not well founded,

It is therefore ordered, adjudged and decreed that the motion for a preliminary injunction in this cause be and is hereby denied.

Dated: 3/20, 1979.

/s/ William P. Gray
JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

(Counsels' approvals as to form omitted in printing.)

PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

United States District Court, Central District of California

(Title omitted in printing.)

Pursuant to the Stipulation Concerning Motions For Summary Judgment and Continuance of Hearing Re Dismissal, plaintiffs hereby move for an order granting them summary judgment 1) declaring Section 28.04 of the Los Angeles Municipal Code unconstitutional under the First and Fourteenth Amendments of the United States Constitution and 2) enjoining its further enforcement.

The motion is based on the pleadings, the Memorandum of Points and Authorities filed herewith and the Declarations of Wayne S. Canterbury, Esq., executed March 22, 1980 and Patrick D. Dailey, a copy of which is filed herewith.

Dated: June 1, 1980

/s/ Wayne S. Canterbury
WAYNE S. CANTERBURY

(Proof of Service by mail omitted in printing.)

DEFENDANTS' NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT

United States District Court, Central District of California

(Title omitted in printing.)

To the plaintiffs herein and to their attorneys or record:

PLEASE TAKE NOTICE that on Monday, July 7, 1980, at 10:00 A.M., or as soon thereafter as the matter may be heard, in Courtroom 6 of the United States Courthouse, 312 North Spring Street, Los Angeles, California, before the Honorable William P. Gray, United States District Judge, defendants herein will move the Court to enter summary judgment against the plaintiffs and in favor of the defendants, on the grounds that there is no triable issue of fact to be tried and that defendants are entitled to judgment as a matter of law.

Said motion will be based on this notice, the memorandum of points and authorities attached hereto and the pleadings, records and documents on file in

this matter. In particular, defendants rely upon the memorandum of points and authorities and the several affidavits filed by defendants in opposition to plaintiffs' motion for a preliminary injunction, decided herein on March 16, 1979.

DATED: June 2, 1980

BURT PINES,
City Attorney
CLAUDE E. HILKER,
Assistant City Attorney
GARY R. NETZER,
Assistant City Attorney
ANTHONY SAUL ALPERIN,
Deputy City Attorney

By Anthony Saul Alperin
ANTHONY SAUL ALPERIN
Deputy City Attorney

(Memorandum of Points and Authorities and Proof of Service by Mail omitted in printing.)

AFFIDAVIT OF NORMAN R. GIARD

United States District Court, Central District of California

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, NORMAN R. GIARD, being first duly sworn, say as follows:

1. I am the Chief and the Chief Inspector of the Street Use Inspection Division, Bureau of Street Maintenance, Board of Public Works of the City of Los Angeles. I am personally familiar with the matters stated herein. I am a custodian of records for the Division.

2. I executed an affidavit on March 14, 1979, for use in connection with this lawsuit. I am informed and believe that it was filed by the defendants herein in opposition to plaintiffs' motion for a preliminary injunction.

3. The attached page (Exhibit "A" hereto) was prepared under my direction from the records of

my office. It identifies the number of signs removed by personnel of the Street Use Inspection Division for each week stated on said page, from the week ending January 5, 1980 through the week ending May 24, 1980, in accordance with the provisions of Los Angeles Municipal Code Section 28.04.

/s/ Norman R. Giard
NORMAN R. GIARD

(Affiant's address and jurat omitted in printing.)

EXHIBIT "A"

STREET USE INSPECTION DIVISION

SIGNS REMOVED BY STREET USE INSPECTION PERSONNEL FROM JANUARY 1, TO MAY 24, 1980, INCLUSIVE.

Week Ending	Signs Removed
Janaury 5, 1980	2,485
January 12, 1980	783
January 19, 1980	604
January 26, 1980	1,346
February 2, 1980	1,788
February 9, 1980	2,011
February 16, 1980	1,768
February 23, 1980	1,683
March 1, 1980	3,661
March 8, 1980	1,856
March 15, 1980	3,022
March 22, 1980	3,693
March 29, 1980	3,874
April 5, 1980	3,636
April 12, 1980	2,401
April 19, 1980	1,825
April 26, 1980	2,473
May 3, 1980	3,077
May 10, 1980	3,143
May 17, 1980	2,955
May 24, 1980	3,578
TOTAL	51,662

AFFIDAVIT OF JACK McGRATH

United States District Court, Central District of California

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I, JACK McGRATH, being first duly sworn, say as follows:

1. I am and for the past twelve years have been actively involved in the planning and management of political campaigns. I am currently the owner of Jack McGrath & Associates, a campaign consulting and public relations firm located in Los Angeles, California. I have served as campaign manager for several candidates for public office, including Los Angeles City Council member Zev Yaroslavsky, State Senator Alan Robbins, Congressman Jim Corman, County Assessor Alexander Pope and Reverand Vahac Mardirosian (candidate for the Los Angeles School Board in 1979). I have managed the campaigns of incumbents, challengers and candidates running in open

seats. Altogether, I have either managed or acted as a consultant for approximately twenty campaigns. I am personally familiar with the matters stated herein.

2. As a result of having been intimately involved in numerous campaigns, I have had the opportunity to evaluate the relative merits of different techniques of vote gathering, including outdoor advertising techniques.

3. I am familiar with no scientific study which has been conducted to determine the efficacy of posting signs on public or utility property as a means of gaining votes or even name identification. Absent scientific evidence, one campaign professional' opinion as to the efficacy of such a technique would necessarily be no more correct than another such person's opinion.

4. During the campaign for Reverand Mardirosian, I utilized the services of Candidates' Outdoor Graphic Services of San Francisco. We paid that firm approximately $2,200 to place approximately

1,500 signs on the crosswires of utility poles throughout the school district. The signs were erected along high traffic volume streets in commercial and residential areas.

5. In various campaigns, I have utilized signs placed on the lawns of individual voters. The advantage of such signs is that in addition to providing name identification, they identify the candidate with the support of individual voters who are the neighbors of persons walking or driving down residential streets. Such signs probably have a positive influence on voting attitudes.

6. Based on my experience as a campaign manager and consultant, it is my view that although signs posted by C.O.G.S. might increase a candidate's name identification among voters, such signs do not translate that identification into votes on election day. Given limited financial resources, a candidate could more effectively obtain name recognition and ultimately votes by using those resources for techniques

other than posting signs on utility pole crosswires or on other public and utility property. Such other techniques could include: placing signs on residential lawns, storefront windows and similar private property, using transit card advertising, sending direct mail to individual voter households, utilizing telephone banks and distributing campaign literature at major shopping centers. It is my considered opinion as a long time campaign manager and consultant that the use of signs such as those posted by C.O.G.S. do not significantly affect a candidate's ability to win an election even if the candidate is a nonincumbent.

7. My experience has been that signs, other than those placed in front of voters' homes, probably do not make voters more receptive to a candidate's message or more likely to vote for a candidate.

/s/ Jack McGrath
JACK McGRATH

(Jurat omitted in printing.)

AFFIDAVIT OF DAVID TORREZ

United States District Court, Central District of California

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, DAVID TORREZ, being first duly sworn, say as follows:

1. I am a Street Use Inspector employed by the Street Use Inspection Division, Bureau of Street Maintenance, Board of Public Works of the City of Los Angeles. I am personally familiar with the matters stated herein.

2. On May 30, 1980, I took each of the photographs attached hereto as Exhibits A, B, C, D, E, F, G, H, I, J and K.

3. On June 2, 1980, I took each of the photographs attached hereto as Exhibits L, M, N, O, P, Q, R, S, T, V and W.

4. On June 3, 1980, I took the photographs attached hereto as Exhibit U.

5. The approximate location of each photograph is stated just below the photograph itself on each Exhibit.

/s/David Torrez
DAVID TORREZ

(Affiant's address and jurat omitted in printing.)

West Side of Eastern Avenue at Templeton

Exhibit "A"

East Side of North Broadway at Avenue 18

Exhibit "B"

East Side of North Broadway South of Avenue 20

Exhibit "C"

North Side of Whittier Boulevard at Calumos Street

Exhibit "D"

North Side of Valley Boulevard at Bola Street

Exhibit "E"

East Side of North Figueroa at Avenue 44

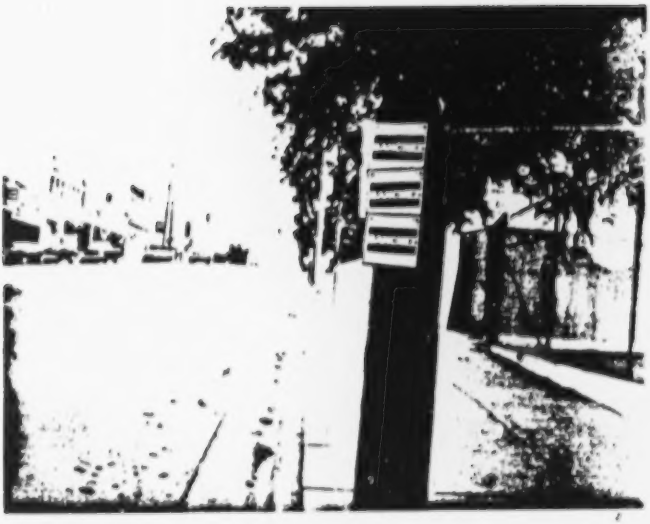
Exhibit "F"

South Side of Whittier Boulevard East of Boyle Avenue

Exhibit "G"

North Side of Whittier Boulevard East of Boyle Avenue

Exhibit "H"



North Side of Whittier Boulevard at Dacotah Street

Exhibit "I"

South Side of Whittier Boulevard West of Indiana Street

Exhibit "J"

West Side of Indiana Street South of Whittier Boulevard

Exhibit "K"

Southwest Corner of Laurel Canyon Boulevard & Mulholland Drive

Exhibit "L"

In Front of 943 North Broadway

Exhibit "M"

In Front of 943 North Broadway

Exhibit "N"

Laurel Canyon Boulevard at Laurel Canyon Place, Northwest Corner

Exhibit "O"

Southwest Corner of Laurel Canyon Boulevard and Laurel Canyon Place

Exhibit "P"

Southwest Corner of Laurel Canyon Boulevard at Mulholland Drive

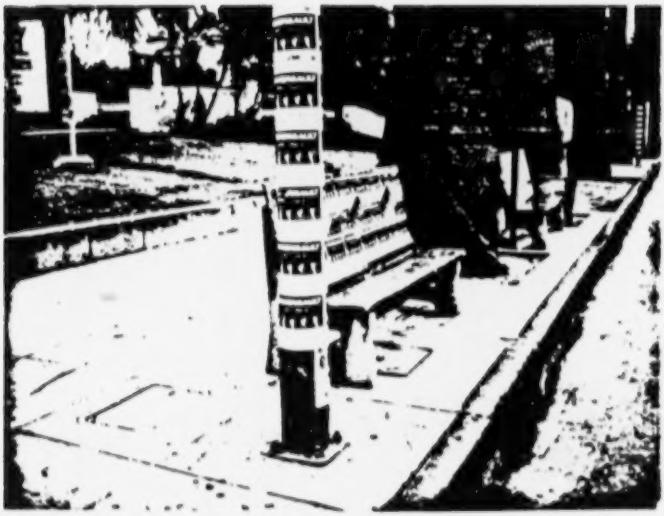
Exhibit "Q"

Mulholland Drive West of Laurel Canyon Boulevard

Exhibit "R"

North Side of Franklin Avenue at Tamarind Avenue

Exhibit "S"



Northwest Corner of Sunset Boulevard
and Orange Drive

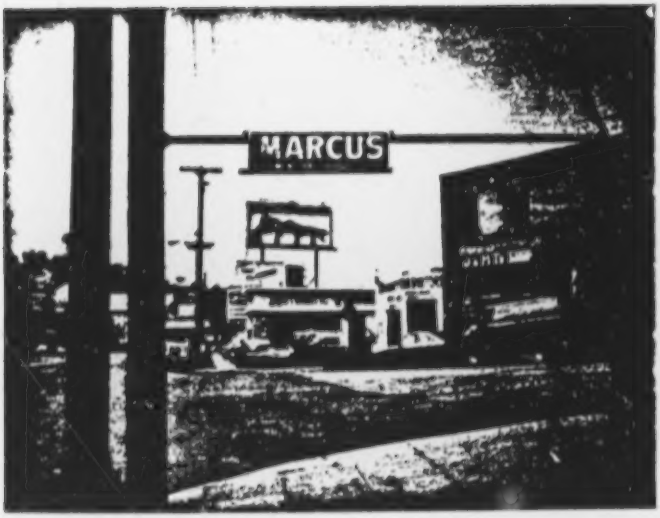
Exhibit "T"

South Side of Griffin Avenue East of North Broadway

Exhibit "U"

North Side of Riverside Drive West of Stadium Way

Exhibit "V"



South Side of Sunset Boulevard at Allison

Exhibit "W"

AFFIDAVIT OF GRANT DOSTER

United States District Court, Central District of California

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I, GRANT DOSTER, being first duly sworn, say as follows:

1. I am employed by the City of Los Angeles as a Street Use Inspector, Bureau of Street Maintenance, Board of Public Works of the City of Los Angeles. I am personally familiar with the matters stated herein.

2. On June 11, 1980, I took each of the photographs depicted on Exhibits "A", "B", "C", "D" and "E" attached hereto. The approximate location of each photograph is stated under the photograph on each Exhibit.

/s/ Grant Doster
GRANT DOSTER

(Affiant's address and jurat omitted in printing.)

Northwest Corner of 8th Street and Boyle Avenue

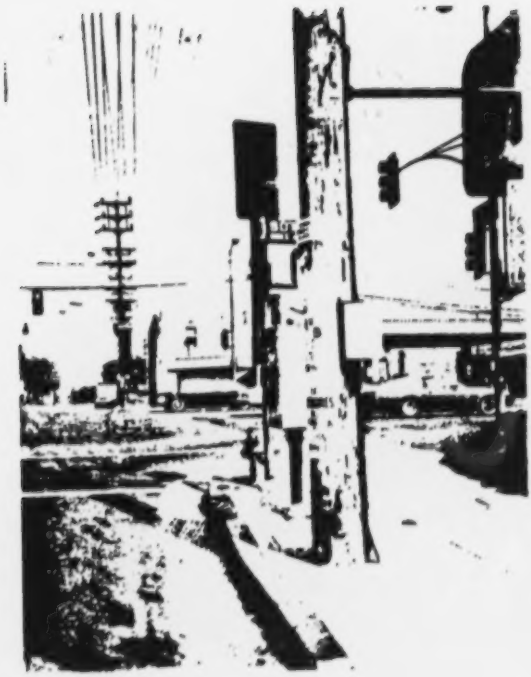
Exhibit "A"

Southeast Corner of 8th and Boyle Avenue

Exhibit "B"

8th and Soto (Easterly)

Exhibit "C"



8th and Soto (Easterly)

Exhibit "D"

West Side of Soto Street Near 8th Looking South

Exhibit "E"

DECLARATION OF PATRICK D. DAILEY IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT

United States District Court, Central District of California

(Title omitted in printing.)

I, Patrick D. Dailey, declare:

1. I am president of Candidates' Outdoor Graphic Service (COGS), a California corporation with its principal place of business at 1041 Old County Road, Belmont, California. COGS was organized in and has conducted its business regularly since 1966, providing a comprehensive political sign service for candidates for public office, which service includes the design, fabrication, assembly, placement and removal of signs. COGS' business is confined exclusively to temporary political signs constructed of wood and card stock and is in no part connected with the sale or placement of signs of any nature designed for commercial advertising.

2. COGS has contracted with over one thousand (1000) candidates and campaign committees for the placement of political signs in over two thousand (2000) jurisdictions. Contracting parties included representatives of former President Ford, Governors Brown, U.S. Senator Hayakawa, U.S. Representatives Dellum, Edwards and McCloskey and several members of the Los Angeles City Council.

3. It is essential to the conduct of our business to ascertain and execute the optimal methods of sign fabrication, attachment and distribution. In that connection, I am in continous contact with city and state zoning personnel, election officials and campaign representatives to develop signs that reach a maximum number of people and minimize the potentially offensive characteristics of sign abuse.

4. Until the last two decades, "sniping" was the prevailing method of political sign distribution in California, and particularly in the Los Angeles basin. Sniping is the indiscriminate pasting of paper quality

posters on flat vertical surfaces, such as bus stop shelters, windows, fences, utility poles and the like. Signs posted in this matter are virtually impossible to remove without defecting the property.

5. As an alternative to "sniping", COGS developed three basic sign models:

(a) "Looped" signs, constructed of medium card stock, which are draped over cross-arms of utility poles, closed and stapled together at the bottom. (See Exhibit "A" hereto)

(b) "Free-standing" signs mounted securely to wooden stacks and planted in the ground or wedged into fence pipes.

(c) "Flats"; signs that are stapled into rough siding with one-quarter inch household staples.

6. None of these signs are affixed on the vertical portions of utility poles and therefore present no danger to repairmen. Each can be secured without any damage to property. The signs are entirely self-contained and "temporary" in that they require no nails

or adhesives, and can be removed completely from the surface without trace.

7. COGS instructs its employees not to post signs in any manner which deface public property or constitute traffic or other hazards. No COGS signs are posted on sidewalk surfaces, streetlamp posts, hydrants, trees, shrubs, treestacks or guards, vertical utility poles, fire alarm or police telegraph systems, drinking fountains, lifebuoys, life preservers, lifesaving equipment or street or traffic signs.

8. COGS signs became increasingly popular in the 1970's among political candidates who wished to advertise their candidacy in a style consistent with their environmental objectives. COGS naturally avoids placing signs in offensive manners or in places which will alienate its own clientele or their constituencies.

9. The use of political signs is a critical element in any political campaign, especially that of a non-incumbent. Signs place the name of the candidate into the public consciousness. Once a candidate's

name is identified among the electorate and he has become established as a candidate, he is in a position to define and explain his platform by other more expensive means, such as radio, newspapers and television. If the sign campaign has failed to generate support, he can abandon the effort without having spent large sums of his and his supporters' money.

10. Our experience has shown that the public is much more receptive to "shoe leather" campaign in which the candidate walks door-to-door, when they have been preceded by a sign campaign because the individual approached sees one whom he regards as a "public figure" as opposed to a total stranger.

11. Political signs also serve the purpose of advertising not only the candidacies, but the upcoming election itself, thus stirring public interest and discouraging "closed" elections which some incumbents favor. Similarly, the signs are used to highlight local contests that might otherwise be lost among the more

glamorous races for national office in primary and general elections.

12. Placement of signs in selected public areas is crucial to effective communication, especially in an expansive metropolitan area such as Los Angeles. The concentration of people in the downtown area in the work week provides an audience for political signs unmatched in the outlying regions. The impact of political signs is reduced in inverse porportion (sic) to the distance from which they are placed from Civic Center. Neither COGS nor the vast majority of its clientele has access to private property in the Civic Center and financial areas of Los Angeles, and unless signs are allowed to be posted on public property, they cannot be posted at all in this region.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration

was executed at San Francisco, California on the 2nd day of June, 1980.

/s/ Patrick D. Dailey
Patrick D. Dailey

(Proof of service by mail omitted in printing.)

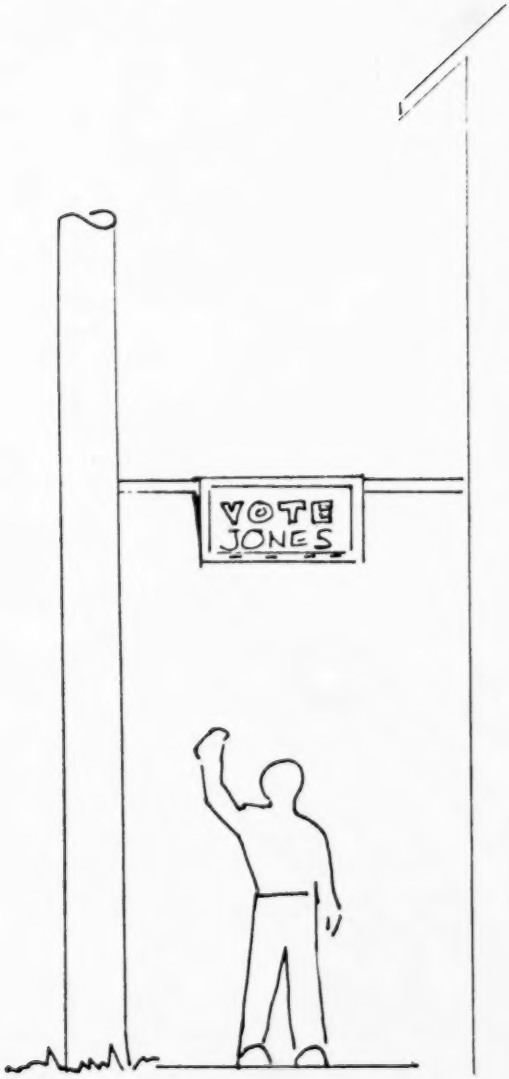


EXHIBIT A

DEFENDANTS' ANSWERS AND OBJECTIONS TO PLAINTIFFS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR ADMISSIONS (Interrogatories Nos. 10, 11, 14, 16, and 17 and Requests for Admissions Nos. 1, 2 and 3, only)

United States District Court, Central District of California

(Title omitted in printing.)

Defendants herein answer and object to the Plaintiffs' First Set of Interrogatories and Requests for Admissions, as follows:

INTERROGATORY NO. 10:

State whether the sign depicted in the photograph designated Exhibit M to the Affidavit of Thomas W. Thomas is or was located on public or private property.

ANSWER:

The sign appears to be located on a publicly-owned parkway adjacent to a public street.

INTERROGATORY NO. 11:

State whether the defendants contend that the sign posted on behalf of Roland Vincent as depicted in Exhibit A of the Canterbury Declaration

presents any of the "overhead troubles" described by Leroy P. Hogg in his Affidavit in Opposition to Motion for Preliminary Injunction, dated March 14, 1979. If so, please explain.

ANSWER:

No.

INTERROGATORY NO. 14:

State whether the City of Los Angeels owns all public utility poles situated within the boundaries of the City. If no, describe those owned by the City and those not owned.

ANSWER:

The City of Los Angeles does not own all public utility poles situated within the City. Street light poles are owned by the City. Poles on which power lines and communication lines are strung are owned either by the city, jointly by the City and other utilities or by other utilities (in which case the City has strung its power lines by agreement with such utilities).

INTERROGATORY NO. 16:

State whether the defendants contend that any political signs posted in violation of the sign ordinance necessarily constitutes an eminent (sic) threat to the safety, health or welfare of the residents of Los Angeles.

ANSWER:

Defendants contend that many, although not all, signs posted in violation of the "sign ordinance" (regardless of whether or not their content is political in nature) pose an imminent threat to the safety, health or welfare of the residents of Los Angeles. Some signs so posted pose such a threat, although not an imminent one.

REQUEST FOR ADMISSION NO. 1:

That the City of Los Angeles permits private newsracks to be maintained on public sidewalks.

ANSWER:

Admitted.

REQUEST FOR ADMISSION NO. 2:

That the City of Los Angeles permits permanent commercial advertising to be placed or affixed on public property, including those depicted in Exhibit A to the Declaration of Wayne S. Canterbury in Support of Motion for Preliminary Injunction, dated March 22, 1979.

ANSWER:

Denied, except as provided in the relevant portion of our answer to Interrogatory No. 17.

REQUEST FOR ADMISSION NO. 3:

That in the event the candidate for political office or supporters are unable to obtain permission to place any political signs on private property within the City of Los Angeles, no such signs can be placed at all in the City.

ANSWER:

Denied.

INTERROGATORY NO. 17:

In the event you deny any of the above requests for admissions, state each and every fact

upon which such denial is based.

ANSWER:

A. Concerning Request For Admission No. 2.

The signs depicted on Exhibit "A" to the Canterbury declaration identify the tenants of the Los Angeles Mall (located at City Hall East). That Mall is owned by the City of Los Angeles and contains several commercial shops leased to various private commercial tenants. The signpost depicted was erected by the City and is similar to several other such signposts located at several pedestrian entrances to the Mall. It does no more than identify the tenants of the Mall.

The master lease executed by tenants of the Mall prohibits tenants from displaying, storing or placing merchandise, equipment or other objects outside of the leased premises. Lease Form, Exhibit "G", G-2(d). That provision is not strictly enforced. Advertising may be placed on privately-owned benches (L.A.M.C. §68.06) and on transit shelters, located on publicly-owned sidewalks.

Other than as described above, the City does not permit permanent commercial advertising to be affixed to public property.

B. Concerning Request for Admission No. 3.

See Answer to Interrogatory No. 2. Furthermore, defendants observe that Request For Admission No. 3 is based on an untenable and wholly unrealistic premise, namely that a candidate for public office in the City of Los Angeles would be unable to find any person who would permit the candidate to place political signs on his or her property, either for a fee or free of charge.

DATED: October 11, 1979

/s/ Anthony Saul Alperin
ANTHONY SAUL ALPERIN
Deputy City Attorney,
Attorney for Defendant

(Interrogatories and answers or objections which are not printed above, verification, jurat, non-relevant exhibit and proof of service by mail omitted in printing.)

JUDGMENT

United States District Court, Central District of California

(Title omitted in printing.)

This cause came on to be heard on July 7, 1980, the Honorable William P. Gray, United States District Judge, presiding, on a motion for partial summary judgment filed by plaintiffs and a motion for summary judgment filed by defendants. The Court having considered said motions and argument of counsel, and having made findings of fact and conclusions of law with respect thereto,

IT IS ORDERED, ADJUDGED AND DECREED:

1. That the motion of plaintiffs for partial summary judgment is denied.

2. That the motion of defendants for summary judgment, dismissing the complaint herein, is granted.

3. That the plaintiffs shall take nothing by way of their complaint, and the same is hereby dismissed.

4. That the defendants shall recover their costs and disbursements.

Let judgment be entered accordingly.

Dated: August 6, 1980 .

/s/ William P. Gray
UNITED STATES DISTRICT JUDGE

NOTICE OF APPEAL

United States District Court, Central District of California

(Title omitted in printing.)

NOTICE IS HEREBY GIVEN that Plaintiffs, Taxpayers for Vincent and Candidates' Outdoor Graphic Service (COGS) hereby appeal from the Judgment entered on August 7, 1980 in the above-entitled proceeding to the United States Court of Appeals for the Ninth Circuit.

DATED: August 21, 1980

/s/ Wayne S. Canterbury
Wayne S. Canterbury

(Proof of service by mail omitted in printing.)